

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MICHIGAN STATE PAINTERS INSURANCE
FUND, TRUSTEES OF MICHIGAN STATE
PAINTERS INSURANCE FUND, and
INTERNATIONAL UNION OF PAINTERS
AND ALLIED TRADES, LOCAL UNIONS
NO. 1474 AND 1803,

Case No. 06-14250

Plaintiffs,
v.

Hon. John Corbett O'Meara

METRO SANDBLASTING &
PAINTING, INC. and STEVE SVINTE,

Defendants.
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ORDER OF PARTIAL DISMISSAL

On September 27, 2006, Plaintiffs filed a complaint alleging violations of the Employee Retirement Income Security Act of 1974 ("ERISA") and the Michigan Builders Trust Fund Act. Plaintiffs do not allege that diversity jurisdiction exists. Although the ERISA claim is cognizable in this court pursuant to 28 U.S.C. § 1331, the remaining allegations present a claim based on state law. This court declines to exercise supplemental jurisdiction over Plaintiffs' state law claim so as to avoid jury confusion. See 28 U.S.C. § 1367(c); United Mine Workers v. Gibbs, 383 U.S. 715 (1966); Padilla v. City of Saginaw, 867 F. Supp. 1309 (E.D. Mich. 1994).

Accordingly, IT IS HEREBY ORDERED that Plaintiffs' Michigan Builders Trust Fund Act claim is DISMISSED.

s/John Corbett O'Meara
United States District Judge

Dated: December 20, 2006

I hereby certify that a copy of the foregoing document was served upon the parties of record on this date, December 20, 2006, by electronic and/or ordinary mail.

s/William Barkholz
Case Manager